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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,852	06/06/2000	Robby Darren Benedyk	1322/27/2	9624

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EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
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2662

19

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,852

Applicant(s)

BENEDYK ET AL.

Examiner

Dmitry Levitan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 44-65 and 87-100 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 44-46, 52, 87 and 88 is/are rejected.
- 7) ☒ Claim(s) 4-8, 10-22, 47-51, 53-65 and 89-100 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-14, 16, 18</u> . | 6) <input type="checkbox"/> Other: ____. |

Specification

1. The disclosure is objected to, because abbreviations or acronyms FIN, TALI, SCCP, MTP, MSU are cited throughout the specification without explanation. Applicant should provide a full explanation for the acronyms at least at their first occurrence in the specification.
2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 10. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 9, 44, 45, 52, 87, 88 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (US 6,324,183).

Regarding claims 1, 9, 44, 52 and 87, Miller teaches a method, network element and a computer program product (SP 1500 on Fig. 15 and 8:49-59) for encapsulating SCCP message (step 1610 on Fig. 17 and 10:8-11) in IP datagram (step 1640 on Fig. 17 and 10:14-16) using a transport adaptor interface/TALI (STP IP gateway 1520 on Fig. 15 and 8:53-65), comprising:

- a. Receiving an SS7 message signal unit, including MTP layers 1, 2 and 3 and an SCCP layer (step 1610 on Fig. 17 and 10:8-11);

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- b. Discarding MTP layer 1 and 2 information from the SS7 message signal unit (step 1620 on Fig. 17 and 10:11-12);
- c. Placing the SCCP layer in a service portion of a TALI packet (step 1630 on Fig. 17);
- d. Adding a TALI header to the TALI packet (inherently part of the system because, header is essential to identify the beginning and end of a packet); and
- e. Adding transport and network layer headers to the TALI packet (TCP and IP headers as steps 1630 and 1640 on Fig. 17 and 10:14-18).

In addition, regarding claims 9 and 52, Miller teaches encapsulating MTP layer 3 (inherently part of the system because MTP layer 3 information is essential for packet routing and addressing 2:37-47) in an IP datagram (Fig. 17).

Regarding claims 2 and 45, Miller teaches extracting MTP layer 3 information from the SS7 MSU (6:49-54) and placing the MTP layer 3 information without modification in the service portion of the TALI packet (inherently part of the system because MTP layer 3 information is essential for packet routing and addressing 2:37-47).

Regarding claim 88, Miller teaches a DCM module including hardware for sending and receiving messages over IP wherein the TALI process is implemented in DCM (DCM 1820 on Fig. 19 and 10:57-65).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller.

Miller teaches all the limitations of claims 1 and 44, including placing the MTP layer 3 information without modification in the service portion of the TALI packet.

Miller does not teach placing MTP layer 3 in the SCCP layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add placing MTP layer 3 information in the SCCP layer to the system of Miller to combine MTP layer 3 information and SCCP information in one layer to simplify the system design.

Allowable Subject Matter

6. Claims 4-8, 10-22, 53-65, 89-100 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller US006324183B1 System and methods for communicating messages among
SS7 and IP using STPS.

Darland US005793771 Communication gateway.

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Feltner	US006515997B1	Method and system for automatic configuration of a gateway translation function.
Tovander	US006507649B1	Mechanism and method for distributing ISUP stacks over multiple processors.
Curry	US005923659A	Telecommunications network.
Sorber	US006018515A	Message buffering for prioritized message transmission and congestion management.
Autrey	US005774695A	Protocol interface gateway and method of connecting an emulator to a network.
Farris	US006195425B1	Telecommunication system with wide area internetwork control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

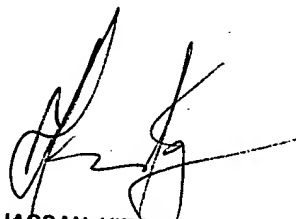
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner
03/30/04.



HASSAN KIZOU
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